

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

LARRY GOOD & ASSOCIATES, INC.,)	
)	
Plaintiff,)	
)	
v.)	8:06CV280
)	
WILLIAMS AND COMPANY)	
CONSULTING, INC.,)	ORDER
)	
Defendant.)	

This matter is before the court *sua sponte*.

The record reveals that this case was removed from the District Court of Douglas County, Nebraska on March 23, 2006. **See** Filing No. 1. On that date, the defendant filed a motion to dismiss. **See** Filing Nos. 3, 9 & 10. On November 9, 2006, the court granted the defendant's motion to dismiss Count III and gave the plaintiff fourteen days to amend its complaint, if the plaintiff chose to amend based on the reasoning in the court's order. **See** Filing No. 13. Further, the court stated the defendant had "twenty days from the date of [the November 9, 2006 order] or from the date of the new amended complaint, whichever occurs first, to file an appropriate motion or answer." *Id.* p. 5. On November 20, 2006, the plaintiff sought an extension of time to file an amended complaint. **See** Filing No. 14. The court granted the plaintiff an extension until December 4, 2006 to file an amended complaint. **See** Filing No. 15. To date neither has the plaintiff filed an amended complaint, nor has the defendant filed an answer.

Pursuant to NECivR 41.1: "The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence." It remains the plaintiff's duty to go forward in prosecuting the case by, for example, seeking leave to file an amended complaint out of time or moving for a clerk's entry of default. Upon consideration,

IT IS ORDERED:

The plaintiff shall show cause why this case should not be dismissed for failure to prosecute the defendant. The showing of cause shall be filed electronically on or before the close of business **on January 17, 2007.**

DATED this 5th day of January, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge